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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,186	06/15/2001	Ish Kumar Khanna	3824/US	7998

7590 09/13/2002

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EXAMINER	
HABTE, KAH SAY	
ART UNIT	PAPER NUMBER

1624
DATE MAILED: 09/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,186	KHANNA ET AL.	
	Examiner Kahsay Habte, Ph. D.	Art Unit 1624	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>08 August 2002</u> . 2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final. 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>66-130</u> is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. 6) <input checked="" type="checkbox"/> Claim(s) <u>66-130</u> is/are rejected. 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner. 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.	

DETAILED ACTION

1. Claims 66-130 are pending.

Election/Restriction

2. Applicant's election of Group I (claims 66-130), drawn to compounds where A^1 in the compound formula is pyridyl is acknowledged.

Abstract

3. The abstract is defective, because there is no definition for the variable A^1 .

Specification

4. The chemical structures on page 97 of the specification are incorrect. Pyridinyl moiety is drawn with **H** instead of **N** in the ring. Applicants have to replace **H** by **N** atom. It is also noted that the cyclopropyl ring is not drawn correctly. The ring is not closed well. Applicants have to replace the entire page with a corrected one.

Information Disclosure Statement

5. Applicants submitted IDS on Paper No. 4, 6, and 7. The IDS submitted on Paper No. 6 and 7 are duplicates, thus, the examiner will consider the IDS submitted on Paper No. 7. In regard to the IDS submitted on Paper No. 4 (Jan. 03, 2002), the examiner

cannot locate the references. Applicants are kindly asked to furnish the references that are cited in the PTO 1449 (Paper No. 4).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 66-130 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

a. Claim 66 and claims dependent thereon are rejected because the term "thioalkyl" is not clear. The term "thio" is a generic one, indicating the presence of sulfur in some form. As a substituent, it has no one single generally accepted meaning. There could be intended thioxo (=S) or mercapto (-SH). It can also denote replacement by S of some other atom (normally, oxygen or carbon) as in "thioalkoxy", where O is replaced by S. Perhaps some term which began with "thio", like thiophene was intended. Whatever choice is selected must be supported by the specification.

b. In claim 66, the term "acylamino" is not clear. Is it -CO-NH₂ or something else? It is unclear if it is attached to A¹ thru the carbonyl or thru the amino. The same is true for "sulfonamide".

c. In claim 66 (page 9, line 7), the term "acyl" is indefinite. Does this embrace acids of S? P? As? What does the stem look like, i.e. if the acyl is e.g. RC(O), what is R?

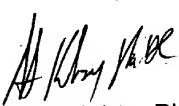
d. In claim 66 (page 9, line 8), the phrase "B forms...ring system" is indefinite. What ring system? Is pyridine included? Diazines? What are covered and what are not? Applicants have to recite the monocyclic and bicyclic rings of "ring B" in order to overcome the rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (703) 308-4717. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.


Kahsay Habte, Ph. D.
Examiner
Art Unit 1624

KH
September 11, 2002


Mukund J. Shah
Supervisory Patent Examiner
Art Unit 1624